DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 17 and 28 – 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mulhern, Jr. et al. in view of Boylestad.

In regard to claims 17 and 28 – 30 Mulhern, Jr. et al. disclose measuring a voltage between a first contact located at a first position on a living body and a second contact located at a second position on the living body (Materials and Methods; Figure 1). No current is applied to the living body. Mulhern, Jr. et al. fail to disclose calculating the current. However, it is well known that current can be calculated from a known voltage and known impedance using Ohm's law (Boylestad , Page 85). The claims would have been obvious because a particular known technique was recognizes as part of the ordinary capabilities of one skilled in the art. It would have been obvious to one having ordinary skill in the art at the time of the invention to apply the technique of calculating a current from a measured voltage as taught by Boylestad (Ohm's Law).

3. Claims 31 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mulhern, Jr. et al. in view of Boylestad and further in view of U.S. Patent No. 6,393,317 to Fukuda et al.

In regard to claims 31 and 34, Mulhern, Jr. in view of Boylestad disclose storing the measured voltage (Materials and Methods), but fail to disclose storing the measured voltage in a removable memory card. Fukuda et al. disclose a storing measured data to a removable memory

card (51). It would have been obvious to one having ordinary skill in the art at the time the invention was made to record the measured voltage data as disclosed by Mulhern, Jr. in view of Boylestad on a removable memory card as taught by Fukuda et al. in order to store the results of the test so that they can be readily accessed at a later time and easily transported to various locations.

4. Claims 28 – 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE 2653959 to Ellenberge in view of Boylestad.

In regard to claims 28 – 30 Ellenberge discloses measuring a voltage between a first contact (c) located at a first position on a living body and a second contact (e) located at a second position on the living body. No current is applied to the living body. Ellenberge fails to disclose calculating the current. However, it is well known that current can be calculated from a known voltage and known impedance using Ohm's law (Boylestad, Page 85). The claims would have been obvious because a particular known technique was recognizes as part of the ordinary capabilities of one skilled in the art. It would have been obvious to one having ordinary skill in the art at the time of the invention to apply the technique of calculating a current from a measured voltage as taught by Boylestad (Ohm's Law).

Response to Arguments

5. Applicant's arguments filed 7/7/08 have been fully considered but they are not persuasive. Applicant asserts that *prima facie* obviousness has not been established in regard to Mulhern in view of Boylestad. However the Examiner disagrees. Mulhern discloses measuring voltage between a first and second contact positioned on a living body. It is well known that a current can be calculated from a known voltage and a known impedance using Ohm's Law. Because the impedance of a living body is known and can be calculated (see Fukuda et al.), it would have been obvious to one having ordinary skill in the art to calculate the current if so desired.

Allowable Subject Matter

6. Claims 32, 33, 35, 36 and 40 - 42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 18, 20 – 27, 37, 38 and 39 are allowed.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JONATHAN ML FOREMAN whose telephone number is (571)272-4724. The examiner can normally be reached on Monday - Friday 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on (571)272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. M. F./
Examiner, Art Unit 3736

/Max Hindenburg/
Supervisory Patent Examiner, Art Unit 3736